

- (2) The permit holder accrues more than twice the number of false fire alarms for the applicable group referred to in section 11-19(a) of this Code during the permit period; or
- (3) Any fact or circumstance exists that would be a basis for denial of an application for issuance or renewal of a permit, or the permit was otherwise obtained or issued in error.

(Ord. No. 02-527, § 4, 6-19-02)

Sec. 11-23. Appeals.

(a) A person may appeal the denial or revocation of a permit by delivering a written request for an appeal to the fire chief not more than 15 days after the first date of mailing written notice of denial or revocation. The notice of denial or revocation shall be sent to the permit holder or applicant by certified mail, return receipt requested, addressed to the permit holder or applicant at the alarm site address, or to such other address specified by them in writing to the fire department.

(b) All hearings shall be held by a hearing officer appointed by the fire chief. The fire chief shall not designate any person to perform the duties of hearing officer under this section who has participated in the investigation of false fire alarms from the alarm site in question, or has prior knowledge of the allegations or circumstances discovered in such investigation. The hearing officer, may, prior to the hearing, receive a copy of the notice given to the permit holder.

(c) An assistant city attorney may be present at the hearing to advise the hearing officer as to procedural matters; however, the attorney shall not participate in any determination of the facts.

(d) All hearings shall be conducted under rules consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to all hearings:

- (1) All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.

- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross examine all witnesses.
- (4) Only evidence presented before the hearing officer at the hearing shall be considered in rendering the decision.

(e) The hearing officer may affirm or reverse a permit denial or a permit revocation; however, the exclusive remedy for determining whether a response was a false fire alarm response shall be the review process established in section 11-19(e) of this Code. No proceeding under this section may be used to address or reconsider the determination of whether or not a response was a false fire alarm response.

(Ord. No. 02-527, § 4, 6-19-02)

Sec. 11-24. Policies and procedures.

The fire chief shall institute in accordance with this division policies and procedures necessary to implement and enforce this division.

(Ord. No. 02-527, § 4, 6-19-02)

Secs. 11-25—11-31. Reserved.

ARTICLE III. BURGLAR ALARMS, HOLDUP ALARMS AND OTHER SIMILAR ALARM SYSTEMS*

Sec. 11-32. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alarm site.* The specific property or area of the premises upon or within which an alarm system is or is to be installed.

***Editor's note**—Section 2 of Ord. No. 91-1346, adopted Sep. 18, 1991, amended ch. 11, art. III, §§ 11-32—11-56, to read as herein set out. Prior to adoption of said ordinances, §§ 11-32—11-56 pertained to burglar alarms, holdup alarms, etc., and derived from §§ 10½-20—10½-23 and §§ 10½-25—10½-45 of the 1968 Code; § 1 of Ord. No. 80-2384, adopted July 29, 1980; §§ 1 and 2 of Ord. No. 84-1423, adopted Sep. 12, 1984; and §§ 1—6 of Ord. No. 85-119, adopted Jan. 29, 1985.

- (2) *Alarm system.* Any electrical, mechanical, or electronic device or assembly of equipment that emits, transmits, or relays a signal intended to summon, or that would reasonably be expected to summon, or that would reasonably be expected to summon, by direct or indirect means, the aid of the police department of the city. For purposes of this article, the following types of alarm systems are exempted:

- a. An alarm system installed on a motor vehicle.
- b. An alarm system designed so that no notification is given to the police until after the occupants or an agent of the owner or lessee have inspected the alarm site and determined that there is physical evidence at the site showing that the alarm was the result of criminal activity of the kind for which the alarm system was designed to give notice and does so notify the police, if a person who is able to grant access to the alarm site remains at such site until police arrive whenever the police are notified after an alarm has been activated, and such person renders access and such other assistance as he is able to give and that is needed by the police to properly investigate the situation.
- c. An alarm system installed upon premises occupied by the United States government, the state, the city, or any county government situated within the corporate limits of the city.
- d. Any alarm system designed solely to detect or give notice of fire or smoke.

- (3) *Alarm system business.* Any person who sells, installs, services, monitors, or responds to alarm systems as a livelihood.
- (4) *Applicant.* The person who seeks to be the permit holder.
- (5) *Automatic dialing device.* Any device connected to an alarm system which automatically sends a pre-recorded message or

coded signal indicating the activation of the alarm system to a pre-determined location.

- (6) *Burglar alarm system.* Any alarm system intended to prevent or detect an unauthorized entry or attempt thereof into the alarm site.
- (7) *Central station.* That part of an alarm system business which intercepts signals indicating the activation of an alarm device and which relays this information by live voice to the police department.
- (8) *Chief of police.* The chief of the police department and any employee(s) of the police department assigned by the police chief to perform the duties prescribed by this article.
- (9) *Disconnect.* To render an alarm system disabled so as to prevent any direct or indirect notification to the police department by a silent or local alarm.
- (10) *False alarm.* Any alarm which was not the result of an emergency or threat of emergency of the kind for which the alarm system was designed to give notice and as may be further defined by chapter 218 of the Local Government Code.
- (11) *Holdup alarm system.* Any alarm system which when activated by human action gives notification of a robbery, or attempt thereof, or summons police aid for any other perceived life-threatening reasons.
- (12) *Local alarm system.* Any alarm system emitting audible and/or visual signals in, at, or on the alarm site when activated and which causes notification to be made directly or indirectly to the police department.
- (13) *Permit.* A certificate of authorization issued to the applicant authorizing the operation of the alarm system(s) for which the permit is issued.
- (14) *Permit holder.* The person to whom an alarm system permit is issued.
- (15) *Telephone answering service.* Any business, other than an alarm system business which intercepts signals indicating the activation of an alarm system and which relays this

information by live voice to the police department.

- (16) *Thirty-minute shutoff.* An automatic device associated with a local alarm system which automatically causes the alarm to shut off and discontinue the emission of an audible signal after a period of time not to exceed thirty (30) minutes of continuous operation.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-33. Permit—Required; exceptions; number.

(a) No person shall operate, cause to be operated, or allow the operation of an alarm system unless a valid permit has been issued for that system or as otherwise allowed by law; however, this subsection shall not be applicable to an alarm system business which monitors, and/or services an alarm system installed and designed to protect property belonging to a person other than the alarm system business an alarm system. Any person who operates, causes to be operated, or allows the operation of an alarm system without a valid permit shall be subject to misdemeanor prosecution and response fees.

(b) A response, if any, made by the police department upon proper notification, as specified in section 11-48 of this article, by an alarm system business shall be subject to the policies and procedures of the police department governing, but not limited to, the priorities for police responses.

(c) An applicant may apply for a separate permit for each alarm system, or may obtain a single permit for all alarm systems, on so much of one premises to which the person to whom a permit is to be issued has legal rights of ownership or possession; except that separate permits must be obtained to authorize the operation of both burglar and holdup alarm systems on any one (1) premises.

(d) For purposes of the fees set out in section 11-50, an alarm system shall mean and include all alarm systems operated under one permit.

(e) The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, cre-

ating a duty or guarantee of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.
(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-34. Same—Application.

(a) Application for a permit authorizing the operation of an alarm system shall be made by a person who: owns, leases, uses, resides at, or manages the property upon which the alarm system is installed. Such application shall be made in writing to the police department on a form designated for that purpose. On such application shall be set forth:

- (1) The name, address, telephone number(s), and Texas driver's license (if applicable) of the permit holder.
- (2) Copies of the assumed-name registration if the alarm site will be operated under an assumed name; the partnership registration, if any, and the names and addresses of all general partners if the permit holder is to be a partnership; or the corporate charter with the names and addresses of officers and registered agents or the certificate of authorization to do business from the Secretary of State if the permit holder is to be a corporation.
- (3) The street address of the property on which the alarm system is to be installed and operated, including the particular suite or apartment number(s) if applicable.
- (4) Any business name used for the premises on which the alarm system is to be installed and operated.
- (5) Whether the alarm system is a local alarm and whether it is designed to give notice of a burglary, robbery, or any other life-threatening emergency.
- (6) The name of the alarm system business that has installed or will install the alarm system.

(7) In addition to the permit holder,

- a. the names and local telephone numbers of two (2) persons, or the name and local telephone number of an alarm system business which are able to and have agreed to:

1. Receive notification at any time;
2. Come to the alarm site within one (1) hour after receiving a request from a member of the police department to do so; and
3. Grant access to the alarm site and to deactivate the alarm system if such becomes necessary; or

- b. the name and local telephone number of an alarm system business which is able and has agreed to receive calls at any time and to give the police department the names of persons listed with that company as set out below if:

1. The permit holder has given the alarm system business the names and local telephone numbers of two (2) persons who are able and have agreed to receive notification at any time; to come to the alarm site within one (1) hour after receiving a request from a member of the police department to do so; and to grant access to the alarm site and to deactivate the alarm system if necessary; and
2. The permit holder has authorized the alarm system business to provide the names listed with that business pursuant to above subsection 6(b)(i) to the police department whenever that department has requested that information in order to obtain assistance after an alarm has been activated.

(8) Whether all charges owed to the city by the applicant have been paid.

(9) If an individual residence or apartment, the names of the other residents over the age of eighteen (18).

(b) Such application shall be signed by the person making the application for the permit ac-

knowledging he has read the application, affirming the correctness and accuracy of the information given on the application and authorizing the release to the police of information specified in sections 11-46 and 11-48 of this article.

(c) Such application shall state the conditions for revocation of the permit and include by reference the terms of this article, referred to as the "City of Houston Code of Ordinances Chapter 11, Article II," or as it may subsequently be otherwise entitled.

(d) The chief of police shall issue a permit upon submission of an application therefor in accordance with this article and payment of the permit fee, unless the chief of police finds that any statement made in the application was incomplete, misleading, or false; that the applicant has not paid all charges owed to the city; that the alarm system installed at the alarm site has, or is of the type that has, had a history of unreliability; or if the alarm site was previously unpermitted while under the control of the applicant and has outstanding alarm fees owed to the city. The chief of police shall establish reasonable standards determining reliability or unreliability of alarm systems as a police department policy. If the chief of police denies the application for a permit, he shall cause to be mailed a notice to the applicant at the address set out in the application and shall furnish a copy thereof to the alarm detail of the police department. The notice shall state the reasons for the denial and inform the applicant that he may have a hearing on the denial by delivering a written request for a hearing to the alarm detail of the police department within ten city working days of receipt of the denial notice. If the applicant requests a hearing, it shall be held by the chief of police within ten city working days of the date the request is received.
(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-35. Same—Amendments to application.

Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties set out in section 11-34(a)(7), the permit holder shall file an amendment to the permit application listing a

person or company who is able and will perform those duties so that at all times the application on file with the police department designates at least two persons or an alarm system business who are able and willing to perform such duties.
(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-36. Same—Term; renewal.

(a) Each permit issued pursuant to this article shall be valid for a 12-month period from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of 12 months, then the permit extinguishes on the date of relinquishment.

(b) The city shall give at least 30 days notice of the expiration date and need for renewal. Upon expiration of the twelve-month period, a renewal application must be presented to the chief of police along with the renewal fee to renew the permit within ten city working days; after that time a new permit must be applied for. If any fees or charges remain owed to the city or if there is a history of unreliability, the chief of police shall deny the application until such time all fees or charges have been paid and unreliability is shown to have been corrected according to police department policy. The renewal will relate back to the original date of issuance in determining the twelve-month duration of the permit.
(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-37. Same—Fees.

The fee for a new permit issued for nonresidential premises shall be \$40.00 for each alarm system and for residential premises shall be \$15.00 for each alarm system; the fee for a nonresidential renewal permit shall be \$40.00 for each alarm system and for a residential renewal permit shall be \$15.00 for each alarm system.
(Ord. No. 91-1346, § 2, 9-18-91; Ord. No. 02-528, § 12a., 6-19-02)

Sec. 11-38. Same—Nontransferable.

Each permit issued shall be valid only for the premises permitted and is not transferable to another person or other premises. Upon transfer

from the permit holder of ownership or leasehold rights to the alarm site, a new permit must be applied for according to this article.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-39. Same—To be kept at alarm site.

The permit holder shall keep the alarm permit at the alarm site and shall produce such permit for inspection upon the request of any member of the police department empowered to make such inspection.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-40. Duties.

(a) The permit holder shall ensure that he or any person listed with the police department under sections 11-34 and 11-35 is able to:

- (1) Receive notification at any time;
- (2) Come to the alarm site within one hour after receiving a request from a member of the police department to do so; and
- (3) Grant access to the alarm site and to deactivate the alarm system if such becomes necessary.

(b) The permit holder shall train all persons who may activate the alarm system in the proper operation of the alarm system.

(c) The permit holder will be responsible for all fees associated with the permit or the operation of the alarm system.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-41. Repair of system; deactivation.

(a) The permit holder shall ensure that the alarm system is repaired within 72 hours of the time notification that such system is malfunctioning or causing potential excessive alarms is given in writing on a form designated by the police department to him or to his employee or his agent by a member of the police department designated by the chief of police to give such notices.

(b) The permit holder may cause such system to be deactivated rather than having such system repaired. If he does, such system shall not be reactivated until it has been repaired.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-42. Duty of person notified by police department to provide access to premises, render assistance.

Any person who is notified by any member of the police department of the activation of an alarm system and who is able to give access to the alarm site shall come to the alarm site within one hour of the time such person is notified of such activation and shall provide the police department any necessary access or assistance.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-43. Operation of alarm system.

(a) No person shall install, cause to be installed or permit to be installed any alarm system unless the following are met:

- (1) Any alarm system which may be activated as a result of different types of emergency situations shall give a silent signal, if so equipped, that is unique to designate activation as a result of a holdup, a burglary, a fire, or any other different type of emergency situation so that the proper notification and proper response can be made; otherwise,
- (2) Any alarm system designed to emit an audible signal or sound intended to be heard from the exterior of the alarm site shall have a 30-minute shutoff from the time of activation and must not sound similar to that of siren, an emergency vehicle, or a civil defense warning system. For purposes of this subsection any alarm system which emits any variable tone (as opposed to a steady pitch or a ringing sound as is made by a bell) shall be considered to be emitting a sound which is similar to that of a siren, an emergency vehicle, or a civil defense warning system;
- (3) No holdup alarm shall include a money clip, pressure pad, or similar device which can cause activation inadvertently; and any holdup alarm shall be designed so that it

may be activated only by intentional and deliberate human action;

- (4) No person shall use or permit the use of any telephone device or telephone attachment which automatically selects any telephone line leading into the communication center of the police department or any number leading into the offices of the city and then transmits any pre-recorded message or signal;
- (5) No person shall use or permit the use of any system which gives notification of the activation of an alarm system directly to the police department by any means other than live human voice; and
- (6) The chief of police may set reasonable standards and procedures to be followed by any alarm system business or telephone answering service when giving notice to the police department of activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any person requesting same.

(Ord. No. 91-1346, § 2, 9-18-91)

Secs. 11-44, 11-45. Reserved.

Sec. 11-46. Duty of alarm system businesses—To furnish information about each alarm installation.

(a) Any alarm system business which installs an alarm system within the city shall provide the police department the following information on a form designated by the city:

- (1) The street address where such system is installed;
- (2) The name, address, and telephone number of the person contracting for its services;
- (3) The type of alarm system; and
- (4) The permit number for the alarm site and name of permit holder.

(b) Such form shall be submitted to the police department not earlier than twenty (20) days prior to the date of installation of such system and not later than forty-eight (48) hours after such system

is installed. The police department shall protect such information as confidential information and its use shall be restricted to legitimate law enforcement purposes and to enforcement of this article.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-47. Same—To render efficient service; maintain alarm; keep records of maintenance.

Whenever an alarm system business agrees with any person to maintain or service any alarm system, such business shall:

- (a) Ensure that personnel of such business who are able to render effective assistance arrive at such alarm site within one (1) hour of a request by a member of the police department for assistance if such alarm system business has agreed with any person to respond to such alarm system;
- (b) Ensure that sufficient personnel of such business are available to provide service and to repair any alarm system such business has agreed to maintain or service within seventy-two (72) hours after notification that such system is in need of repair is received from the permit holder or as provided for by its contract with the permit holder or by law; and
- (c) Keep a written record of the date and time of repair and a description of the specific repair which was performed on any alarm system when such repair was made in response to notification by the permit holder at the office of the alarm systems business.

Such written records shall be maintained for at least two (2) years from the date of repair and shall be available for inspection and duplication by any member of the police department designated by the chief of police to inspect such records when such a member of the police department makes demand at the office of the alarm system business during regular business hours.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-48. Same—Operation of central station or answering service.

Any alarm systems business which operates a central station and any telephone answering service shall:

- (a) *Responding to alarm.* Have sufficient personnel trained in the procedures to be followed in receiving and relaying notice of the activation of any alarm system on duty at all times to ensure that emergency messages or alarm signals received by such business can be relayed immediately to the police department. Notification to the police department of the activation of an alarm system shall include:
 - (1) The street address of the alarm site, including the particular suite or apartment number, if applicable;
 - (2) The name of the permit holder and the permit number;
 - (3) The type of alarm activated; and
 - (4) The name(s) and local telephone number(s) of the person(s) to notify, if so authorized by the permit holder;
- (b) *Notification of permit holder.* Notify the permit holder or his designees of the activation of the alarm system within twenty-four (24) hours of the time the alarm was activated, not to include weekends and holidays, by telephone or by placing written notice in the mail, addressed to the permit holder. If there is no permit holder, then notice shall be given to the person contracting with the alarm systems business;
- (c) *Records.* Keep a written record of the date and time each notification of the activation an alarm system is received and the date, time, and method by which the permit holder, his designees, or the person contracting with the alarm systems business were notified. Such records shall be retained for at least two (2) years and shall be made available for inspection by any member of the police department designated by the chief of police to inspect such records when such a member of the police makes request at the office of the alarm system business

or telephone answering service during regular business hours;

- (d) *Periodic testing; correction of defects.* Test or cause to be tested all equipment used by the central station or telephones answering service relating to the receipt of notifications of the activation of any alarm system and the equipment used in relaying those notifications to the police department at least one (1) time in every twelve-month period and, where a test result is unsatisfactory, correct or cause to be corrected within a reasonable period time not to exceed seven (7) days from the date of testing the cause of the unsatisfactory test result;
 - (e) *Evidence of test results.* Produce evidence of the results of tests conducted pursuant to subsection (d) above upon request of a member of the police department designated by the chief of police to inspect such evidence. The requirements of this subsection shall be satisfied if such results are made available at the central station or telephone answering service on the next regular business day after request is made; and
 - (f) *Providing service to licensed businesses only.* Not provide answering service for any alarm system business which is not licensed by the State of Texas. A violation under this subsection shall only be enforceable according to state law and the remedies, policies and procedures provided for therein.
- (Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-49. False activation prohibited; exceptions.

No person shall activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be an affirmative defense to prosecution under this section that the alarm system was activated solely for the purpose of testing the alarm system and the person who tested the alarm system took reasonable precautions to avoid any request being made to the police department to respond to such alarm. This section shall not apply to conduct which is in violation of section 42.06 of

the Texas Penal Code, as presently enacted and as may be subsequently amended.
(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-50. Fees for city response to alarm.

A city response, if any, upon proper notification as prescribed in section 11-48(a) of the activation of an alarm system shall not incur a response fee except:

- (a) The permit holder will be charged the full costs incurred by the city when he, his agent or his employee activated an alarm system other than a burglar alarm system for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice of, except for testing the alarm system under section 11-49 of this article. Such activation shall be chargeable only after a previous activation has occurred during the term of the permit. The city council finds that the minimum costs incurred by the city in responding to this type of activation of an alarm system is one hundred sixty dollars (\$160.00). Notwithstanding any tabulation of costs, a minimum charge of one hundred sixty dollars (\$160.00) shall be charged the permit holder whenever he, his agent or his employee activates an alarm system, other than a burglar alarm system, for any reason other than an emergency or threat of an emergency of the kind for which the alarm system was designed to give notice and the city responded to such activation of the alarm system. Such one hundred sixty dollars (\$160.00) charge shall be a minimum charge only, and shall not be applicable when a tabulation of costs including overhead, the cost of investigation, and all costs incident to the response to a particular alarm system shows that the cost was greater than one hundred sixty dollars (\$160.00).
- (b) Unless full costs are chargeable under subsection (a), the fee of fifty dollars (\$50.00) shall be charged the permit holder for each response by the city to notification of activation of a burglar alarm system in excess of five (5) alarms from the permit holder's alarm system during the term of the permit that a responding police officer has determined to be false. However, no fee will be charged for a response to notification of the activation of a burglar alarm system if the permit holder shows that the activation was not a false alarm, and any response by the city to notification of an alarm system will not be included in determining fees if the permit holder shows that such activation was not a false alarm. A false alarm, for purposes of this article, shall mean the activation of any alarm system which was not the result of an emergency of the kind for which the alarm system was designed to give notice and as may be further defined by chapter 218 of the Local Government Code, as presently enacted and as may be subsequently amended. For purposes of determining the fees set out above, the burden shall shift to the permit holder to prove that the activation of the alarm system was not a false alarm once a responding police officer has determined the activation to be false. For the purposes of fee computations under this subsection (b), the "term of the permit" is the section 11-36 term of the permit.
- (c) Any person who operates, causes to be operated, or allows to be operated an alarm system without a valid permit shall be charged a fee of fifty dollars (\$50.00) for each response by the city to each notification of activation of a burglar alarm system and a fee of at least one hundred sixty dollars (\$160.00) as prescribed in subsection (a) for each response to any other type of alarm system upon the unpermitted alarm site.
- (d) The chief of police may waive the imposition of false alarm response fees if he determines that the persons charged were within a geographical area to which a qualified emergency existed which caused the activation of the alarm system at the alarm site. The chief of police shall establish and promulgate rules and procedures governing the determination of a qualified emergency

and establish a list of qualified emergencies.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-51. Compliance with state law.

All persons subject to the provisions of the Private Investigators and Private Security Agencies Act of the State of Texas, article 4413 (29bb), Texas Civil Statutes, Annotated, are required to comply with all provisions of that act, as presently enacted and as may be subsequently amended.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-52. Violations; penalties.

(a) Any person who violates any provision of this article not otherwise provided for and punishable under article 4413 (29bb), Texas Revised Civil Statutes, as enacted and amended, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(b) All persons have the affirmative duty to comply with all provisions of this article, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

(Ord. No. 91-1346, § 2, 9-18-91; Ord. No. 92-1521, § 1, 11-18-92)

Sec. 11-53. Revocation of permit—Disciplinary reasons.

The permit for an alarm system will be revoked for the following disciplinary reasons:

- (a) The permit holder has failed to make payment in full to the city of any fees assessed under section 11-50 of this Code within sixty (60) days of the date the city has mailed a notice to the permit holder that the fees are due and owing; or
- (b) The permit holder accrues more than eight (8) false alarms during the term of the permit, not including those false alarms which formed the basis for a prior revocation during that same period. After the first reinstatement, revocation shall occur if the

permit holder accrues more than three (3) false alarms from the date of reinstatement.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-54. Same—Notice of revocation.

(a) Upon revocation of the permit for an alarm system, written notice shall be given to the permit holder or his agent by postal mail addressed to the permit holder at the address set out in the application for the permit or its most recent amendment. Such notice shall set forth:

- (1) The amount of any fees assessed under section 11-50 of this article that are due and owing, and the dates on which the charges were incurred, if the revocation is based in whole or in part upon item (a) of section 11-53 of this article; and
- (2) The specific dates of false alarms from such alarm system, if the revocation is based in whole or in part upon item (b) of section 11-53 of this article.
- (3) That a reinstatement hearing will be held before the chief of police to determine whether the permit for such alarm system should be reinstated if such request is in writing and is received by the alarm detail of the police department within ten (10) city working days of the date of issuance of the notice of revocation;
- (4) That the permit holder may appear at the hearing in person and be represented by legal counsel, may present testimony and may cross examine all witnesses;
- (5) That any appeal of the hearing must be in accordance with rule 12, section 2-2 of the Code of Ordinances.

(b) All hearings shall be held by the chief of police or his designated representative. Such official shall be referred to as the hearing officer. The chief of police shall not designate any person or persons to perform the duties of hearing officer under this section who has participated in the investigation of false alarms from the alarm site in question, or has prior knowledge of the allegations or circumstances discovered in such investigation. Such person designated as hearing officer,

may, prior to the hearing, receive a copy of the notice given to the permit holder.

(c) An assistant city attorney from the legal department may be present at such hearing to advise the hearing officer as to procedural matters; however, such attorney shall not participate in any determination of the facts.

(d) All hearings shall be conducted under rules consistent with the informal nature of the proceedings; provided, however, the following rules shall apply to such hearings:

- (1) All parties shall have the right to representation by an attorney licensed to practice in Texas though an attorney is not required.
- (2) Each party may present witnesses in his own behalf.
- (3) Each party has the right to cross examine all witnesses.
- (4) Only evidence presented before the hearing officer at such hearing shall be considered in rendering the order.
- (5) The hearing officer may adjust the amount of fees owed upon a showing of good cause by the permit holder.
- (6) The permit holder shall have the burden to comply with rule 12, section 2-2 of the Code of Ordinances if an appeal of the hearing officer's findings and decision is desired.

(e) If the permit holder fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing that grounds existed for revocation of the permit.

(f) If the hearing officer finds that no grounds exist for reinstatement of the permit for the alarm system, he shall refuse to reinstate such permit and shall give written notice to the permit holder of such finding. Upon receipt of such notice, the permit holder shall disconnect such alarm system immediately and shall surrender his permit to the police department.

(g) If the hearing officer finds that grounds for reinstatement of the alarm permit do exist, he shall give written notice of such finding to the permit holder.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-55. Same—Reinstatement.

(a) A permit can be reinstated if the revoked permit holder has failed to request a hearing within the time specified in section 11-54(a) by filing an application for reinstatement, pays the application fee which is the same as that for a new permit application, and shows:

- (1) That the cause of the chargeable false alarms in section 11-53 has been corrected; and
- (2) The fees assessed under section 11-50 of this article have been paid.

(b) If a permit holder has had a permit revoked twice during the term of that permit, that person must wait a period of one (1) year from the date of the second revocation or, if one has been requested, the date of the denial issued pursuant to a reinstatement hearing before applying for a new permit for that alarm site.

(c) If a reinstated permit is denied pursuant to this section, a hearing may be requested if received in writing within ten (10) working days of the date of notice of denial and as otherwise set forth in section 11-54.

(d) A reinstated permit shall retain its original issuance date for the purposes of commencement of the "twelve-month period" in section 11-50 of this article and shall not have any more charge-free false alarm responses available in addition to those already used during that period. Following the reinstatement, responses made prior to the date of revocation but not part of the basis for the revocation shall be included in computations under subsection (b) of section 11-50, as applicable; however, responses from the date of revocation through the date of reinstatement shall be chargeable under subsection (c) of section 11-50; such charges must be paid before reinstatement becomes effective. Reinstatement of the permit shall be the only means of restoration of the lawful use of the alarm system hereunder after the permit has been revoked; provided, however, that a new permit must be applied for and issued before operation of the alarm system if the ownership or possessory rights to the alarm site have changed since the most recent application or amendment thereof.

(Ord. No. 91-1346, § 2, 9-18-91)

Sec. 11-56. Policies and procedures.

The chief of police shall institute in accordance with this article policies and procedures necessary to implement and enforce this article.
(Ord. No. 91-1346, § 2, 9-18-91)